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Statement by H.E. Ambassador Agus Tarmidzi of Indonesia
At the 53rd Session of the UN Commission on Human Rights
under item 10
Geneva, 10 April 1997.

Mr. Chairman,

I am pleased to address the Commission on agenda item 10, question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World, with particular reference to colonial and other dependent countries and territories, to which Indonesia attaches great importance. In addressing item 10, past experience has shown that rhetoric has unfortunately prevailed over genuine dialogue. This, in turn, has closed the avenue towards tangible results in our common efforts to further protect and promote human rights all over the world. Human rights problems are very complex, and no country can claim to have a perfect record. But it must be borne in mind that it is the obligation of each and every government to take adequate measures against all violations, to address the root causes of these violations, and to protect and promote in a constructive way the human rights of its citizens.

Another fact of life in the same vein is that a developed country, or a group of developed countries, apparently feel privileged to target a number of developing countries as the violators of the human rights of their own peoples. By doing so, not only do they arrogate themselves the right to patronise and pass judgement on another group of countries which enjoy full rights to an equal status, but they also resort to a false prism which is solely based on their own experience when they seek to judge situations which are completely different

from those affecting their own societies. In this respect, it might provide a helpful perspective to think back to where the developed countries were in the 19th century and how many major problems - including human rights issues - still remain to be solved. And, last but not least let us remember that the developing countries have been independent only for the last 5 decades.

It is far too easy to pass judgement on the situation and problems of another country, thousands of miles away, and to dismiss the fact that the developed countries have had centuries to develop their political, economic and social institutions, while the developing countries were under colonial domination for centuries. Current developments in some of the developing countries cited as "human rights violators" call for thoughtfulness, tolerance and understanding - rather than judgmental, even destructive, criticism from a world far removed from the difficulties there.

We believe that balanced, objective and comprehensive consideration and judgement of the situation in any country in today's pluralistic world, in particular when dealing with the very complex and sensitive issue of human rights, has to take into account the significant progress and positive development achieved by the countries concerned. This implies that we should improve our efforts to understand and to implement human rights in accordance with the state of each country's social, economic and political development. In the final analysis, we should bear in mind that it is <u>their</u> country we are talking about, and therefore <u>they</u> should determine its future.

Mr. Chairman,

While I have the floor, allow me to refer to the statements made by a representative of an NGO who spoke on behalf of Mr Jose Ramos Horta yesterday morning and by the distinguished observer delegate of Portugal yesterday evening, which contain gross misrepresentations of the facts on the human rights situation in East Timor.

I really am surprised to see that Ramos Horta has not changed much despite receiving the Nobel Peace Prize, as he has wilfully resorted to falsehoods and malicious misrepresentations in his statement cooked up by hook and by crook to further his discredited political objectives. It also surprises my delegation that he has preferred to ask someone else to read out the statement on his behalf.

As history has shown, the root causes of human rights violations in East Timor are basically and irrefutably a result of the decolonization process of the territory, undeniably mishandled by its erstwhile colonial power, Portugal, which brought great human suffering upon a people which it had already subjugated and neglected for over four centuries.

Right up to the present, Ramos Horta and his collaborators, under the protective custody of the former colonial power, have spared no effort to indulge in activities, under the banner of human rights, which are detrimental to the interest and wellbeing of the East Timor people.

For the sake of history, a mention should be made of the fact that Portugal was the instigator of the 10 resolutions adopted by the UN Security Council and General Assembly on the question of East Timor respectively in 1975 and 1976, and from 1975 to 1982. There is no question that they all reaffirmed the right to self-determination of the East Timorese people. But the world must not forget that, during that time, the vast majority of the people of East Timor had already exercised their right to self-determination. It was they, the people of East Timor - and certainly not anybody else, not even Ramos Horta and his collaborators - who decided of their own future and independence through integration with Indonesia. They repeatedly requested the United Nations to faithfully fulfil its role in the decolonisation process of the territory, following the irresponsible withdrawal of the Portuguese colonial government from the colony. However, their requests were all ignored; they were prevented by Portugal from being implemented.

The world must also know that the UN Security Council has only considered the question of East Timor twice, in 1975 and 1976. After that, the question was not considered again by the General Assembly until 1982, implying that the international community accorded less and less importance to the matter. This is mirrored by the resolutions on the question of East Timor adopted by the UN General Assembly from 1977 to 1982, which did not demand the withdrawal of Indonesian troops from East Timor nor did they reject the claim that East Timor had been integrated into Indonesia. More importantly, after seven years, in 1982, the watered-down resolution was adopted by a very slim majority (50 votes in favour, 48 against). This indeed demonstrated the growing international recognition of the correctness and legitimacy of the decision of the people of East

Timor to exercise their right to self-determination and independence through integration with Indonesia and that it was in full conformity with UNGA Resolution 1541 (XV).

The ruling handed down by the ICJ on 30 June 1995, on the Case concerning East Timor: Portugal Versus Australia, correctly dealt with the case lodged by Portugal challenging Australia's legal right to enter into a boundary agreement with Indonesia, which came into effect in February 1991, and never "endorsed the right of the people of East Timor to self-determination", as Ramos Horta put it, but in fact only took note of it. The ICJ dismissed the case in 1995 and Portugal lost its claim.

To set the record of history straight, Indonesia never "annexed" West New Guinea (Irian Jaya). The former's claim over the latter was legitimately and legally based on the ground that Indonesia was the successor state to all the Netherlands East Indies, which included West New Guinea (Irian Jaya). Irian Jaya was reunited with the Republic of Indonesia in 1962. Subsequently, the act of free choice by its people was endorsed by the United Nations in its resolution 2504 (XXIV) of the same year.

Having failed to internationalize the so-called question of East Timor through the adoption of resolutions by the UN Security Council and the General Assembly, Portugal deliberately changed its tactic and agreed to the proposal of the UN Secretary-General to have tripartite talks with Indonesia under the auspices of the UN Secretary-General, starting in 1983. It is believed that such a proposal actually originated from Portugal itself when it failed to gain support

for its resolution before the UN General Assembly. At least twice, in 1987 and 1991, Portugal rejected the UN Secretary-General's proposed plans for a solution, while Indonesia accepted them. Ramos Horta has never acknowledged this fact.

Mr. Chairman,

Indonesia's human rights record in East Timor is far from being perfect, but cases of human rights abuses that occur in the province are a simple deviation from the policy set out by the government. It is totally untrue to claim that the human rights abuses that occurred in Dili on 12 November 1991 continue today.

It is also baseless the accusation that there is no improvement in the situation in East Timor. In this regard it is pertinent to note that US Assistant State Secretary, Mr. John Shattuck visited East Timor last month. Speaking at Denpasar Airport, Bali, on 21st March 1997 he made the following statement:

"... I'm pleased that in recent months there have been fewer cases of reported severe violence, and we hope that that climate continues".

In response to a question as to whether there was any discussion of autonomy in any of his meetings, Mr. Shattuck stated :

"We are not endorsing any particular outcome. But the United States recognizes that East Timor is a part of Indonesia ..."

As regards the implementation of the Chairman's Statement adopted by this Commission concerning the situation of human rights in East Timor I should like to invite you and members of the Commission to study thoroughly our note on the matter contained in document no.E/CN.4/1997/51 Add.1 dated .... I trust that the Secretariat harboured no intention to delay its publication though we sent

the note to the Centre on 12 February 1997. The note contained extrapolation on the undertakings by the Government of Indonesia to implement the Chairman's Statements.

The commitments of the Government of Indonesia to take the necessary measures to ensure full respect for the human rights and fundamental freedoms of the East Timorese people is beyond contention. However, its detractors spare no efforts to manipulate every situation related to East Timor in order to further their narrow political gains.

In the same spirit, the Government of Indonesia remains committed to fully cooperating with all UN human rights machineries and will duly consider the possibility of inviting the Commission's special mechanisms at a time deemed appropriate.

A number of the Commission's Special Rapporteurs did visit Indonesia including East Timor, at the invitation of the Government of Indonesia, and we still have 9 months to go before leaving the year 1997. The decision of the Government of Indonesia to welcome some prominent persons, such as Ambassador Jamsheed Marker, the special envoy of the UNSG, to visit East Timor in the third week of March 1997 can be seen as rather more than just complying with its commitments to invite the Commission's special mechanisms. In this regard, the decision to invite the Commision's special mechanisms is entirely the prerogative and at the discretion of sovereign States.

No imposition on a sovereign State which is a member of the United Nations should be tolerated over matters related to the implementation of technical cooperation, for it is clearly against the established principles of the organization's undertakings. It should be recalled that technical cooperation and advisory services are only accorded by the Centre for Human Rights/Office of the UNHCHR at the request and with the consent of the States concerned. In this regard, the Government of Indonesia will honour its mutual understanding to upgrade the MOI of 26 October 1994 on technical cooperation with the Centre into an MOU which is basically promotional in nature, without any extraneous conditions attached.

Imbued with the spirit of cooperation and dialogue, one month before the Commission commenced its 53rd session, the Government of Indonesia presented a counter-draft proposal of the envisaged MOU containing the terms of reference and stipulating the appointment to the Office of the UNDP in Jakarta of a programme officer with the sole mandate of supervising the implementation of the provisions of the technical cooperation agreement. It is unfortunate that certain quarters willfully seek to subvert the on-going process by forcefully introducing monitoring mechanisms.

Since 1989, the province of East Timor has been declared open to the outside world. Throughout 1996, not a single month has passed without a visit by government invitees from abroad. In full conformity with the national law and with universally established norms, the Government of Indonesia has full authority to process all applications submitted by NGOs and other organizations to enter the province.

Mr. Chairman,

There are ample reasons to believe that some quarters have tried to take advantage of the visit of Ambassador Jamsheed Marker, the UN Secretary - General's Special Representative to Jakarta and Dili last month. It has been the patterned activity of the detractors of Indonesia to mar visits made by foreign dignitaries by instigating violent demonstrations with a view to embarrassing Indonesia and attracting international attention for the purpose of their political hidden agenda.

The demonstration staged by a group of people on 23 March 1997 in the Hotel Mahkota, in Dili, East Timor, where Ambassador Marker and his staff were staying, was one example of the activities perpetrated by those irresponsible elements. Ramos Horta tried to blow this incident out of proportion by stating that the Indonesian army had brutally treated and fired on a group of 250 East Timorese students who had staged a peaceful demonstration, causing 4 of them to be killed, while at least another 20 suffered serious injuries. This is pure nonsense. The anti-riot police showed a high degree of self-restraint and took no action for more than 2 hours. Their response was dictated purely by the escalating violence of the demonstrators, who numbered about 50 when the latter started ransacking the hotel and destroying property. No one was killed, although a few people were injured and given the necessary medical treatment and hospitalized. The police seized 12 knifes from the demonstrators. In a statement to the press in Jakarta on 27 March 1997, Ambassador Marker confirmed that noone was killed. This was also confirmed by independent sources, such as the ICRC and Bishop Belo.

Another fabrication, made up by Ramos Horta, claims that two of the 30 East Timorese students who staged a protest at the Austrian Embassy in Jakarta on 25 March 1997 were murdered soon after their release the same day. The truth is that two East Timorese students, Casmiro and Zeca Madeira died on 2 April 1997 in Yogyakarta in a traffic accident. In the course of the protest at the Austrian Embassy in Jakarta, Ambassador Marker received three East Timorese students who handed him a petition. Afterwards, at a meeting with members of the National Commission on Human Rights on 26 March 1997 in Jakarta, Ambassador Marker expressed astonishment at the fact that the petition had been written in very good English - something he had not expected from ordinary East Timorese students. This leads us to suspect that the invisible hands behind that episode are also the ones responsible for masterminding it.

It is a historical fact that the FRETILIN committed serious crimes from August-December 1975 and even after that, a period during which it controlled the territory through a reign of terror, using hatred and revenge as the means to achieve its objectives. In this respect, it is ironic on the part of the FRETILIN to state that it will build a society free from hatred and revenge. The other four political parties, APODETI, UDT, KOTA and TRABALHISTA have subsequently proclaimed independence through integration with Indonesia in November 1975, and at their request Indonesia helped their brothers to fight against the FRETILIN and eliminate it from the scene. Since integration, Indonesia has been fully committed to helping promote the wellbeing of the East Timorese people.

To conclude, Mr. Chairman, although the targeted victim of this campaign launched by our detractors at this session is Indonesia, the first and actual victim is the truth. Indeed in their intention to embarrass Indonesia, they have clung to the dissemination of falsehoods, misrepresentations and innuendoes unsupported by any factual evidence. The second victim is of course our common commitment since, by resorting to such a scurrilous campaign of defamation, they have in fact abandoned the noble objective of promoting and protecting the human rights of the people.

Thank you Mr. Chairman.

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10 April 1997